

# EXHIBIT D

## Sim, Charlie

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**From:** Sim, Charlie  
**Sent:** Monday, April 8, 2024 7:57 AM  
**To:** Kristopher Davis; Zhu, Michelle J.  
**Cc:** rak\_headwater@raklaw.com; \*\*\* GDCTMO-Headwater  
**Subject:** RE: Headwater v. T-Mobile - Infringement Contentions

Counsel,

T-Mobile confirms that it does not oppose Headwater's motion to amend its infringement contentions.

As we have previously conveyed, however, the contentions remain deficient in numerous respects. As just one example, the amended contentions continue to include vague references to "[s]ervers, hardware, software, and services leased, owned, supported, and/or operated by T-Mobile comprising T-Mobile's wireless network services functionality," without specifically identifying or charting any such instrumentalities. Relatedly, although Headwater has inserted "FOTA," "Update Server," "FOTA," and "OTA Server" to the definition of the Accused Products in the cover pleading to the amended contentions, those components are not charted or even referenced in any of the amended claim charts served by Headwater.

We have repeatedly explained that such vague, conclusory statements do not properly accuse any "network services functionality," including because they give T-Mobile no guidance on what is accused or what it is supposed to be searching for in discovery. Nevertheless, in an effort to move forward with discovery efficiently, and without agreeing to the adequacy of the allegations, T-Mobile will perform a reasonable search for technical documentation relating to any network-side technologies described in pages 7–10 of Exhibit H of the amended infringement contentions.

Best,  
Charlie

**Charlie Sim**  
Associate Attorney

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**From:** Kristopher Davis <kdavis@raklaw.com>  
**Sent:** Monday, April 1, 2024 11:08 AM  
**To:** Zhu, Michelle J. <MZhu@gibsondunn.com>  
**Cc:** rak\_headwater@raklaw.com; \*\*\* GDCTMO-Headwater <GDCTMO-Headwater@gibsondunn.com>  
**Subject:** Re: Headwater v. T-Mobile - Infringement Contentions

[WARNING: External Email]

Michelle,

Can you please confirm that T-Mobile does not oppose Headwater's motion to amend the T-Mobile infringement contentions, as provided on March 19?

Regards,  
Kris

Kristopher Davis  
**Russ August & Kabat**  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
(310) 826-7474  
[kdavis@raklaw.com](mailto:kdavis@raklaw.com)

On Mar 19, 2024, at 6:46 PM, Kristopher Davis <[kdavis@raklaw.com](mailto:kdavis@raklaw.com)> wrote:

Michelle,

We have now served Headwater's proposed amended contentions for T-Mobile, which make amendments consistent with those made in the Verizon amended contentions. Please confirm that T-Mobile does not oppose Headwater's motion to amend the T-Mobile infringement contentions.

Regards,  
Kris

Kristopher Davis  
**Russ August & Kabat**  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
(310) 826-7474  
[kdavis@raklaw.com](mailto:kdavis@raklaw.com)

On Mar 19, 2024, at 6:44 AM, Zhu, Michelle J. <[MZhu@gibsondunn.com](mailto:MZhu@gibsondunn.com)> wrote:

Counsel,

Headwater's infringement contentions remain deficient, as per our prior correspondence from February 1, 2024. *See* 2024-02-01 K. Dominguez Ltr. Having not received any amended contentions, T-Mobile understands Headwater's infringement allegations to be limited to the accused end-user devices and functionality, *i.e.*, the specifically identified "phones, tablets, wearables, [or] devices . . . for use with T-Mobile's wireless network services," and will carry out its discovery obligations consistent with that understanding.

**Michelle J. Zhu**  
Associate Attorney

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**From:** Zhu, Michelle J.

**Sent:** Monday, February 26, 2024 5:21 PM

**To:** [rak\\_headwater@raklaw.com](mailto:rak_headwater@raklaw.com)

**Cc:** \*\*\* GDCTMO-Headwater <[GDCTMO-Headwater@gibsondunn.com](mailto:GDCTMO-Headwater@gibsondunn.com)>

**Subject:** Headwater v. T-Mobile - Infringement Contentions

Counsel,

In light of the parties' agreement to not oppose each other's motions for leave to amend, please provide your proposed amended infringement contentions for the T-Mobile case. Since you did not indicate otherwise on our meet and confer, we assume the amendment for T-Mobile will mirror the amendment served on Verizon.

Please direct all correspondence to our team email reflector going forward: [GDCTMO-Headwater@gibsondunn.com](mailto:GDCTMO-Headwater@gibsondunn.com). Thank you.

**Michelle J. Zhu**

[Associate Attorney](#)

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